

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

VIACOM INTERNATIONAL, INC., COMEDY
PARTNERS, COUNTRY MUSIC
TELEVISION, INC., PARAMOUNT
PICTURES CORPORATION, and BLACK
ENTERTAINMENT TELEVISION, LLC,

Plaintiffs,

vs.

No. 07-CV-2103

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

-----X

THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, BOURNE CO., et al.,
on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

No. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

-----X

HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION OF DAVID ESTRADA
PALO ALTO, CALIFORNIA
TUESDAY, DECEMBER 8, 2009
JOB NO. 18172

DAVID ESTRADA - HIGHLY CONFIDENTIAL

Page 2

1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,
2 DECEMBER 8, 2009
3 10:05 A.M.

4
5 HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF DAVID
6 ESTRADA, at WILSON, SONSINI, GOODRICH & ROSATI, 601 S.
7 California Avenue, Palo Alto, California, pursuant to
8 notice, before me, KATHERINE E. LAUSTER, CLR, CRR, RPR,
9 CSR License No. 1894.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,
2 A P P E A R A N C E S:
3 FOR THE PLAINTIFFS, VIACOM INTERNATIONAL, INC.:
JENNER & BLOCK, LLP
4 By: MICHAEL B. DeSANCTIS
601 Thirteenth Street, NW
5 Suite 1200 South
Washington, D.C. 20005
6 T.202.639.6000
F.202.639.6066
7 mdesanctis@jenner.com
and
8 JENNER & BLOCK, LLP
By: JAY C. COX, Esq.
9 1099 New York Avenue, NW
Suite 900
10 Washington, DC 20001
phone: 202.639-6000
11 fax: 202.661.4998
jamescox@jenner.com
12
13 FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC, and
GOOGLE, INC.:
14 MAYER BROWN, LLP
By: A. JOHN P. MANCINI, ESQ.
15 THERESE CRAPARO, ESQ.
1675 Broadway
16 New York, New York 10019-5820
T.212.506.2295
17 F.212.849.5895
jmancini@mayerbrown.com
18 tcraparo@mayerbrown.com
19
20 FOR THE LEAD PLAINTIFFS AND PROSPECTIVE CLASS:
PROSKAUER ROSE, LLP
By: GIL N. PELES, ESQ.
21 2049 Century Park East
Suite 3200
22 Los Angeles, California 90067-3206
T.310.284.5611
23 F.310.557.2193
gpeles@proskauer.com
24
25 ALSO PRESENT: ARMANDO CARRASCO, Videographer

DAVID FELDMAN WORLDWIDE, INC.

450 Seventh Avenue - Ste 2803, New York, NY 10123 (212) 705-8585

1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,
2 PALO ALTO, CALIFORNIA
3 TUESDAY, DECEMBER 8, 2009; 10:05 A.M.
4
5

10:04:57 6 THE VIDEOGRAPHER: Today's videotaped
10:04:58 7 deposition of David Estrada is taken on
10:05:01 8 December 8th, 2009, at Wilson, Sonsini, Goodrich &
10:05:03 9 Rosati, 601 California Avenue, in Palo Alto,
10:05:09 10 California, in the matter of Viacom International
10:05:10 11 versus YouTube, Incorporated. Case numbers are
10:05:16 12 07-CV-2103 and 07-CV-3582, and court: Southern
10:05:22 13 District of New York.

10:05:25 14 My name is Armando Carrasco. I represent
10:05:28 15 David-Feldman Worldwide, located at 600 Anton
10:05:30 16 Boulevard, Suite 1100, Costa Mesa, California.

10:05:34 17 We are now commencing at 10:05 a.m.

10:05:37 18 Will all present please identify
10:05:39 19 themselves, beginning with the witness.

10:05:41 20 THE WITNESS: David Estrada.

10:05:43 21 MR. MANCINI: John Mancini, Mayer Brown,
10:05:45 22 counsel for YouTube and Google.

10:05:47 23 MS. CRAPARO: Therese Craparo, Mayer
10:05:47 24 Brown, counsel for YouTube and Google.

10:05:54 25 MR. DeSANCTIS: Michael DeSanctis, Jenner

1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,
10:05:54 2 & Block, counsel for the Viacom plaintiffs.
10:05:55 3 MR. COX: Jay Cox, Jenner & Block, counsel
10:05:55 4 for the Viacom plaintiffs.
10:05:57 5 MR. PELES: Gil Peles from Proskauer &
10:05:57 6 Rose, counsel for the Premier League plaintiffs.
10:06:03 7 THE VIDEOGRAPHER: Thank you.
10:06:03 8 Will the court reporter please swear in
10:06:03 9 the witness.
10:06:03 10 THE REPORTER: Will you raise your right
10:06:03 11 hand, please.
10:06:03 12 Do you solemnly state, under penalty of
10:06:03 13 perjury, the testimony you are about to give will be
10:06:03 14 the truth, the whole truth, and nothing but the
10:06:03 15 truth?
10:06:12 16 THE WITNESS: I do.
10:06:16 17 MR. MANCINI: Michael, before we start, I
10:06:17 18 think, pursuant to the parties' agreement in this
10:06:21 19 case, we will designate the entirety of this
10:06:23 20 transcript highly confidential until further
10:06:27 21 designated.
10:06:28 22 MR. DeSANCTIS: Okay.
10:06:28 23
10:06:28 24 DAVID ESTRADA,
10:06:28 25 having been sworn as a witness

1 PALO ALTO, CA DAVID ESTRADA DECEMBER 8,
14:09:56 2 with you with respect to whether any documents that
14:10:00 3 had been collected from you were subject to the
14:10:06 4 attorney-client work product or common interest
14:10:08 5 privilege?
14:10:09 6 MR. MANCINI: Objection to the extent it's
14:10:13 7 attorney-client communications or attorney work
14:10:17 8 product communications, to which the witness is
14:10:19 9 instructed not to answer.
14:10:20 10 THE WITNESS: I don't recall.
14:10:30 11 BY MR. DeSANCTIS:
14:10:30 12 Q. Let me ask you a different topic. Are you
14:10:38 13 aware of a product integration agreement that
14:10:42 14 YouTube has entered into with Apple?
14:10:47 15 A. I'm aware of several agreements we've --
14:10:50 16 we've entered into with Apple.
14:10:53 17 Q. Okay. Approximately how many? You said
14:10:55 18 "several."
14:10:57 19 A. We have -- I -- I can think of two.
14:11:00 20 Q. Can you tell me what those are?
14:11:02 21 A. One of them -- I think the product
14:11:06 22 integration agreement was the first agreement we
14:11:08 23 entered into to distribute YouTube on the iPhone and
14:11:13 24 Apple TV. And then another one was an API
14:11:17 25 agreement.

DAVID FELDMAN WORLDWIDE, INC.

450 Seventh Avenue - Ste 2803, New York, NY 10123 (212) 705-8585